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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,890	11/12/1999	TAKESHI SUZUKI	P/3541-3	2252

7590 06/13/2006  
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EXAMINER
WOODS, ERIC V

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/439,890

Applicant(s)

SUZUKI, TAKESHI

Examiner

Eric Woods

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Remarks pages 1-2 and Amendments to the claims, filed 13 February 2006, with respect to the rejection(s) of claim(s) 12-15 under 35 USC 103(a) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn **in view of applicant's amendments only**.

However, upon further consideration, a new ground(s) of rejection is made in view of various references as below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al (US PGPub 2004/0061793 A1) in view of Manico (US 6,049,371), Ejiri et al (US PGPub 2004/0218833), and Durrani (US 6,057,840).

As to claim 12,

An electronic camera comprising: (Preamble is not given patentable weight, since it only recites a summary of the claim and/or an intended use, and the process steps and/or apparatus components are capable of standing on their own; see Rowe v. Dror, 112 F.3d 473, 42 USPQ2d 1550 (Fed. Cir. 1997), Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999), and the like.)

-A recording medium removable from the camera, in which a plurality of images are recorded; (Fellegara [0003, 0007, 0034, 0042, etc] for memory card on which pictures / images are stored)

-A display panel configured to display image data selected from the recording medium; (Fellegara Figure 5, LCD screen 36, shown in the middle of the system, Abstract, [0033], and the like)

-An image discrimination circuit configured to determine whether the selected image data represents a panoramic image, the determination being based on an aspect ratio of the selected image; (Fellegara [0031] teaches that the system takes pictures in various formats, and that [0053] the aspect ratio of an image will be conformed to the equivalent film size. In [0065], the operator sets the desired mode for the digital image (in terms of aspect ratio) as being classic, HDTV, or panoramic format, where the resulting image is then stored)(Manico very clearly teaches that images are identified as

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panoramic based on their aspect ratio – 3:45-67, such that they are discriminated as required by the above claim)

-A display-mode setting circuit configured to set a display-mode based on the result of the determination by the image discrimination circuit, (Fellegara teaches that the panoramic images are displayed on the LCD panel in [0065] in the various sizes such that the user can determine which one is preferable, or the like. How the system knows what format to display the image in is never expressly discussed, but the Manico reference clearly provides a method for discriminating between the aspect ratio and/or size of various images)

-A display circuit configured to cause the selected image to be displayed on the display panel according to the display-mode set in the display-mode setting circuit,

Wherein when

The image discrimination circuit determines the selected image as representing a panoramic image, (Fellegara teaches that the panoramic images are displayed on the LCD panel in [0065] in the various sizes such that the user can determine which one is preferable, or the like. How the system knows what format to display the image in is never expressly discussed, but the Manico reference clearly provides a method for discriminating between the aspect ratio and/or size of various images)

The display-mode setting circuit sets a panoramic display-mode, and (As above, the Fellegara reference in view of Manico displays images as based on their type)

The display circuit displays on the display panel a selected frame of the panoramic image; (Fellegara Figure 6 contains such circuits, which are inherent in any case since the device performs those functions and displays images as required, which means that the circuitry to do so is inherent)

-A frame-advance button for advancing the plurality of frames of the panoramic image into the display panel; and (Fellegara teaches a button for advancing the plurality of frames of images, as in elements 200 in Figures 11 and 12, where in [0062-0063] it states that such icons can be made semi-transparent to allow more of the image to be seen. Further, the system has up and down switches 46 and 50 that scroll through various items image [0060]. Additionally, see Figure 8 [0018], where it is specified that the user can manually scroll through images – the user chooses a starting image [0020](Figure 10).)(Ejiri teaches a digital camera that takes panoramic images – Figures 3A and 3B. Further, Ejiri teaches that such panoramic images consist of multiple frames that partially overlap, the amount of overlap being presented to the user in each screen so that the user can ensure that the desired areas are included in the panorama)

-A superimpose circuit configured to superimpose an indicator on the display panel to indicate which part of the panoramic image is being displayed, the indicator being movable on a representation of the panoramic image on the display panel. (Fellegara teaches that the overlaid function buttons of the GUI can be semi-transparent so that the image can occupy the entire viewable area of the display with the icons overlaid. Next, the scroll bar could also be made transparent for the same reason – so that the

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user could see the entire image in the viewable area and still know the position of the current image in memory)(Durrani teaches a semi-transparent scroll bar and graphical user interface tools that allow graphic images to be viewed through, and provides that the effective viewable area of such display screens is increase, which is especially advantageous for portable consumer-based electronics and electronic systems with small display screens)

The Fellegara reference teaches all the limitations except expressly teaching how panoramic images are identified, and expressly teaching pan/zooming the image on the camera, as well as superimposing a positional indicator that can be used to move around a panoramic image. **Clearly, a scroll bar is a type of positional indicator.**

The Manico reference provides a way to determine if an image is panoramic or not based on its aspect ratio as stored. It would have been obvious to modify the system of Fellegara to use the panoramic-image determining mode of Manico since this would allow it to automatically classify the image and display it in panoramic mode without the user having to do so (Motivation additionally provided by *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)), where automating a task previously done manually is sufficient motivation for combination. Additionally, Manico's method provides a method for classifying images as panoramic that is immune from various defects that plague other algorithms (3:20-67). Additionally, it is noted that the user can choose the format of any image, so the system must intrinsically know how to properly

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display such images (note Figures 11-14, where a panoramic image is shown in the image viewing area with the different format).

Next, the Fellegara reference does teach superimposing user interface tools in a semi-transparent manner [0062-0063], but does not expressly teach that the scroll bar is transparent. Durrani further teaches that graphical images are larger than display areas, as is well known in the art –see Figures 3A-3B, 9A-9D, etc. The system of Durrani clearly teaches that making scrollbars transparent is beneficial to the user and maximizes available display space (7:60-8:22), as already suggested by Fellegara. Therefore, for at least the above reasons, it would have been obvious to modify Fellegara to have a transparent scrollbar, which is clearly a positional indicator. Further, it would have been obvious to one of ordinary skill in the art that the scrollbar could be used to move through an image larger than those on the display, based on the teachings of Durrani that such images can in fact be larger.

Finally, the Ejiri reference clearly teaches that panoramic images are or can be composed of multiple frames that are joined together to form a larger image (see Figures 3A-3B, where Ejiri illustrates the overlapping portions of the base image by showing a vector 50 on the screen illustrating the portion of the second image that is not in the first image for determining the panorama. Such images are stitched together to form a panorama, as illustrated in Figures 8A-8B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that such a panoramic image would be larger than an ordinary image and could not be displayed on the main display in its entirety at one time. Therefore, it would require some method of



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moving between the frames that composed it, which is provided by the scroll bar of Durrani. It would have been obvious to one of ordinary in the art at the time the invention was made to combine Ejiri with Fellegara, since allowing the user to create larger panoramic images rather than simple a panoramic format is better – Ejiri [0005-0007], since the user is allowed to obtain a wide-angle image with a high resolution.

Since the resulting panoramic images of Ejiri consist of more than one frame, it therefore makes perfect sense to use the semi-transparent scrollbar of Fellegara that is superimposed on the image to navigate through such an image, since the frames of such an image would be sequential and adjacent; therefore, moving through such an image as proposed in Ejiri would consist of moving from the first frame to the next, where the scrollbar would inherently show the position within the panoramic image as required by the last clause of the above claim. Therefore, for the above reasons, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ejiri, Durrani, and Manico with Fellegara to provide a method of scrolling through panoramic images consisting of more than one frame.

As to claim 13, a scrollbar – as shown in both Fellegara and Durrani – is rectangular. The scrollbars of Durrani are displayed along the bottom edge of the image, and it would be obvious that placing such a semi-transparent scrollbar there minimizes visual disruption to the user. The rejection to claim 12 is incorporated by reference

As to claim 14, this claim is a substantial duplicate of claim 12, the rejection to which is incorporated by reference. Durrani teaches a scrollbar that is movable along a

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longitudinal direction on an image, since the motion of a scrollbar is strictly limited to moving up and down in its degree of orientation.

As to claim 15, this claim is identical to claim 13, the rejection to which is incorporated by reference in its entirety, with the rejection of claim 14 also incorporated by reference.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Woods whose telephone number is 571-272-7775. The examiner can normally be reached on M-F 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Woods

June 6, 2006

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER